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6 Attorneys for Plaintiff  
**HUBB SYSTEMS, LLC**

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO

10 | HUBB SYSTEMS, LLC,

Case No.: C07-02677 BZ

11 Plaintiff,

12 |

vs.

13 | MICRODATA GIS, INC.,

14 | Defendant.

**DECLARATION OF WILLIAM E.  
ADAMS IN SUPPORT OF OPPOSITION  
TO EX PARTE APPLICATION TO  
EXTEND HEARING DATE AND  
BRIEFING SCHEDULE ON  
PLAINTIFF'S MOTION FOR  
PRELIMINARY INJUNCTION**

Courtroom G  
Magistrate Judge Bernard Zimmerman

I, WILLIAM E. ADAMS, declare as follows:

20           1. I am a partner in the law firm Fitzgerald Abbott & Beardsley LLP, attorneys for  
21 Plaintiff HUBB SYSTEMS. LLC ("Plaintiff") in the above captioned matter. I submit this  
22 declaration in support of Plaintiff's opposition to the Defendant's ex parte application to  
23 postpone the hearing date of Plaintiff's motion for preliminary injunction. I have personal  
24 knowledge of the matters set forth herein, unless otherwise stated on information and belief, and  
25 if called as a witness, I could and would competently testify thereto.

26       2. On June 22, 2007, we filed a Motion For Preliminary Injunction with this Court  
27 on behalf of Plaintiff, seeking to enjoin Defendant's use of the trade name "microDATA 911"

1 which infringes on Plaintiff's federally registered trademark and name "DATA911." When we  
2 filed the motion, we selected the earliest available hearing date for this motion based on the  
3 Court's online calendar system. The earliest available date was August 1, 2007.

4       3. On or about June 26, 2007, I received a copy of the letter submitted by  
5 Defendant's counsel to the Court requesting that the Court postpone the hearing on the  
6 preliminary injunction.

7       4. The following day, I received a telephone call from Defendant's counsel, Mark  
8 W. Good, Esq., asking whether I would be willing to stipulate to an open extension of time for  
9 the hearing on Hubb's motion for preliminary injunction. I told Mr. Good that I had received his  
10 letter and that I considered it to be an improper means of communication with the Court and  
11 therefore I did not intend to respond to it. My reason for not responding to the letter was in no  
12 way an assent to the continuance sought by Defendant and I made this fact very clear to Mr.  
13 Good. This ex parte application followed.

14       5. As counsel of record, I am aware of the matters that have been filed both in this  
15 action and in the action filed in Vermont. Since May 10, 2007, microDATA has filed the  
16 complaint in Vermont, the motion to dismiss in California, a motion to enjoin prosecution of the  
17 California action in Vermont, an ex parte application to expedite the Vermont Court's  
18 consideration of the motion to enjoin in Vermont, and the instant ex parte application to  
19 continue the hearing date on the motion for preliminary injunction in California, in addition to  
20 correspondence with counsel.

21       6. I have become familiar with the Vermont action as part of this firm's  
22 representation of Hubb. To date, the Vermont Court has not set a single hearing date or other  
23 status conference date in that matter. I am informed and believe that even if the Court expedites  
24 its consideration of the motion to enjoin prosecution of the California action, it may be a couple  
25 of months before the Court acts on that motion. This California litigation is the only forum in  
26 which any hearing dates are set or any Court is considering the matter of the requested  
27 preliminary injunction.

28

1 I declare under penalty of perjury as set forth under the laws of the State of California  
2 that the foregoing is true and correct and that this declaration was executed on July 5, 2007, in  
3 Oakland, California.

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5 William E. Adams  
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DECLARATION OF WILLIAM E. ADAMS IN SUPPORT OF OPPOSITION TO EX PARTE  
APPLICATION - CASE NO.: C07-02677 BZ  
7/5/07 (24601) #274911.1

## **PROOF OF SERVICE - F.R.C.P. §5**

I, the undersigned, declare: I am employed in the County of Alameda, State of California. I am over the age of 18 and not a party to the within action. I am employed by Fitzgerald Abbott & Beardsley, located at 1221 Broadway, 21<sup>st</sup> Floor, Oakland, CA 94612. I am readily familiar with this firm's business practice of processing of documents for service.

I hereby certify that on **July 5, 2007**, a true and correct copy of the following document(s) was filed electronically:

**DECLARATION OF DAVID C. LEE IN SUPPORT OF PLAINTIFF'S MOTION FOR  
PRELIMINARY INJUNCTION**

Notice of this filing will be sent by operation of the United States District Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties listed below will be served by the method indicated:

**R. Prescot Jaunich**  
**DOWNS RACHLIN MARTIN PLLC**  
**199 Main Street, P. O. Box 190**  
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**Counsel for Defendant microDATA GIS,  
Inc.**

<input checked="" type="checkbox"/>	U.S. Mail - By placing a copy of said document(s) in a sealed envelope with postage thereon fully prepaid, and depositing said envelope with the U.S. Postal Service, following this firm's business practices.
<input type="checkbox"/>	Federal Express - By placing a copy of said document(s) in a sealed pre-paid overnight envelope and deposited with Federal Express, following this firm's business practices.
<input type="checkbox"/>	By Personal Service - I caused such envelope to be delivered by hand on the office(s) of the addressee(s).
<input type="checkbox"/>	Facsimile - By placing a true copy thereof into a facsimile machine to the fax number stated above, as evidenced by the attached transmission report.

I declare under the penalty of perjury under laws of the State of California that the foregoing is true and correct. Executed on July 5, 2007, at Oakland, California.

Alleen N. Hodgkin